

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**TROY KLINE,**

**Petitioner,**

**-v-**

**JASON BUNTING, Warden,  
Marion Correctional Institution**

**Respondent.**

**Case No. 3:14-cv-250**

**Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz**

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**ENTRY AND ORDER OVERRULING KLINE’S OBJECTION (Doc. #3)  
TO THE MAGISTRATE JUDGE’S REPORT AND  
RECOMMENDATIONS (Doc. #2); DISMISSING KLINE’S PETITION  
FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING A  
CERTIFICATE OF APPEALABILITY AND CERTIFYING THAT ANY  
APPEAL WOULD BE OBJECTIVELY FRIVOLOUS**

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Pro se Petitioner Troy Kline (“Kline”) has filed a Petition for a Writ of Habeas Corpus. Upon initial review pursuant to Rule 4 of the Rules Governing § 2254 cases, Magistrate Judge Michael R. Merz issued a Report and Recommendations (doc. #2) recommending that Kline’s Petition be dismissed with prejudice, that Kline be denied a certificate of appealability and that the Court certify to the Sixth Circuit that any appeal of this Order would be objectively frivolous.

Kline objected (doc. #3) to the Report and Recommendations. The Warden has not yet appeared and thus has not been served with Kline’s Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Kline’s Objections to the Magistrate Judge’s Report and Recommendations are not

well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Kline's Petition for a Writ of Habeas Corpus is dismissed with prejudice. Further, Kline is denied a certificate of appealability and any appeal of this matter would be objectively frivolous. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

**DONE** and **ORDERED** in Dayton, Ohio this Second Day of September, 2014.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Troy Kline at his last address of record